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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Air Pollution Control
Contact Person:	Travis Blake
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN
Phone:	37243
Email:	(615) 532-0617
	travis.blake@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15 th Floor
City:	Nashville
Zip:	37243
Hearing Date :	11/02/16
Hearing Time:	9:30 AM
	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-201 et seq. and will take place in the 15th Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 AM CDT on November 2, 2016. Written comments will be included in the hearing records if received by the close of business on November 2, 2016, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail

until the close of business on November 2, 2016. Comments may be submitted via e-mail to Air.Pollution.Control@tn.gov.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than 10 days prior to November 2, 2016, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, TN 37243, (866) 253-5827. Hearing impaired callers may use the Tennessee Relay Service, (800) 848-0298.

If you have any questions about the origination of these rule changes, you may contact Travis Blake at (615) 532-0617. For complete copies of the text of the notice, please contact Travis Blake, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243 or via e-mail at travis.blake@tn.gov.

To add clarity for the benefit of the regulated community with gasoline dispensing facilities, the Division of Air Pollution Control, on behalf of the Air Pollution Control Board, is proposing the following amendments to Rule 1200-03-18-.24:

- To paragraph (1) by adding a new subparagraph (e). Subparagraph (e) requires gasoline dispensing facilities in Davidson, Rutherford, Shelby, Sumner, Knox, Blount, Anderson, Williamson, or Wilson County which emit 25 tons or more of volatile organic compounds (VOC) during a calendar year to report to their permitting authority in accordance with paragraph (8) of Rule 1200-03-18-.02. Tennessee proposes to cross-reference the existing reporting requirement from paragraph (8) of Rule 1200-03-18-.02 in Rule 1200-03-18-.24 to simplify issuance of Notices of Authorization under pending permit-by-rule provisions.
- To subparagraph (1)(d) by adding the words “ever” and “shall remain subject to those requirements” to more closely reflect the existing federal requirement (40 CFR 63 Subpart CCCCCC, §63.11111(i)).
- To subparagraph (2)(b) by replacing the phrase “three years after the effective date of this rule” with the actual compliance date of July 14, 2019.
- To subparagraph (2)(c) by replacing the phrase “the effective date of this rule” with the actual effective date of July 14, 2016.

Specific changes are indicated in a redline/strikeout version available at <http://www.tn.gov/environment/topic/ppo-air>. Interested parties may submit comments on these proposed revisions.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under T.C.A. 68-201-105, the Board general authority to promulgate rules. All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed revisions to the State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 PM on November 2, 2016, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-18	Volatile Organic Compounds
Rule Number	Rule Title
1200-03-18-.24	Gasoline Dispensing Facilities

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-18
Volatile Organic Compounds

Amendments

Subparagraph (d) of paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

- (d) For any GDF otherwise exempt from subparagraph (c) of this paragraph based on monthly throughput, if the GDF ever exceeds the applicability threshold specified in subparagraph (c) of this paragraph, it shall be subject to the requirements of subparagraph (c) of this paragraph and shall remain subject to those requirements even if its throughput later falls below the threshold. The owner or operator shall inform the Technical Secretary within 30 days following the exceedance.

Paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by adding a new subparagraph (e) to read as follows:

- (e) The owner or operator of any GDF in Davidson, Rutherford, Shelby, Sumner, Knox, Blount, Anderson, Williamson, or Wilson County which has actual emissions from stationary sources of 25 tons or more of volatile organic compounds (VOC) during a calendar year shall report to their permitting authority in accordance with paragraph (8) of Rule 1200-03-18-.02.

Subparagraph (b) of paragraph (2) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

- (b) Any GDF with an existing Stage II vapor recovery system shall decommission and remove the system no later than ~~three years after the effective date of this rule~~ July 14, 2019, and no GDF shall install a Stage II vapor recovery system on or after such date.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Subparagraph (c) of paragraph (2) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

- (c) On and after ~~the effective date of this rule~~ July 14, 2016, no GDF shall be required to install a Stage II vapor recovery system and a GDF may decommission and remove the GDF's existing Stage II vapor recovery system.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State